

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.292 OF 2004
IN
SUMMARY SUIT NO.439 OF 2004

M/s.G.S.Fabrics Plaintiffs

versus

M/s.Sunita Fabrics Accessories
and others Defendants

Ms.Neeta Solanki i/by Kiran Jain, adv. for
plaintiffs.

None for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th February 2005

PC :

1. This Summons for Judgement has been taken out on 6th April 2004 and a copy thereof as well as affidavit-in-support was served on the advocate appearing for defendants on 10th April 2004. The advocate appearing for defendants has acknowledged the receipt of a copy of summons for judgement as well as affidavit-in-support. The acknowledgement has been placed on record along with affidavit of one Mangesh Kanu Kamble. The affidavit as well as acknowledgement is taken on

record.

2. There is no reply to summons for judgement. Perused the plaint and the annexures thereto. It is clear that the goods mentioned in the invoice have been supplied. The receipt is not in dispute inasmuch as payments have been made by post dated cheques. One cheque has been duly encashed and balance two have been dishonoured. Thereafter some part payments have been made in cash, credit for which has been duly given. There is no reply to the said notice. Thus, there appears to be no reason as to why payment under the written contract as evidenced by the invoice and delivery challans has not been made in full. There is no reply to the summons for judgement either.

3. Consequently summons for judgement is made absolute. Suit is decreed as prayed. Original documents taken on record compilation of which is marked "X" for identification. Advocate's cost as per rules. Decree be drawn up accordingly. Refund of court fee as per rules.

(S.C.DHARMADHIKARI, J.)